

# The Regular, Scheduled Meeting of the Council of The Village of Marble Cliff

At 1600 Fernwood Ave.

August 15, 2016

The regular, scheduled meeting of the Council of the Village of Marble Cliff was held Monday, August 15, 2016 in the Village Hall at 1600 Fernwood Ave. at 7:00 pm. Those in attendance were: Council Members: Matthew P. Cincione, John F. Kukura, Linda J. Siefkas, Joanne C. Taylor, Kendy A. Troiano and Dow T. Voelker ; Mayor, Kent E. Studebaker; Village Solicitor, Yazan S. Ashrawi; Village Engineer, Joshua Ford; Administrative Assistant, William Johannes Fiscal Officer, Cynthia A. McKay. Visitors and press were present.

## PUBLIC HEARING

Mayor Studebaker opened the Public Hearing and introduced the first reading of O-2505-16, An Ordinance authorizing the Mayor to seek financial assistance from the Ohio Public Works Commission for funding for the Cardigan Avenue Roadway Design & Miscellaneous Sewer Improvements Project and to authorize the assistance of Burgess & Niple, Inc.

Ms. McKay explained that the process for making application for OPWC grants and loans recommends the municipality hold a public hearing to allow for questions, suggestions and public input. The public hearing was advertised in the local paper as required. The process also requires legislation authorizing the Mayor to seek the OPWC funding.

Ms. McKay explained that the project for which application will be made on September 12, 2016 is for the rehabilitation of Cardigan Ave. west of the Norfolk and Southern Railroad right-of-way and for replacement and rehabilitation of several segments of sanitary and storm sewer. The schedule is for application in 2016, approval in 2017, and construction in 2018.

Mayor Studebaker asked for public comment. No one rose to speak to the ordinance or the project.

Mayor Studebaker explained that the Village will be meeting with business and property owners on Cardigan Ave. for input and suggestions for the street rehabilitation.

Mr. Kukura asked if a budget for the project has been developed. Ms. McKay stated that the preliminary budget is approximately \$580,000.

**Ms. Siefkas moved the rules be suspended. Mr. Kukura seconded. The motion passed unanimously. Ms. Siefkas moved the adoption of O-2505-16. Ms. Troiano seconded. The motion passed unanimously.**

Mayor Studebaker closed the Public Hearing.

## PERMITS AND VARIANCES

Mr. Ashrawi asked all in attendance who intended to offer testimony on either of the variance requests before council to stand and be sworn in. Mr. Ashrawi asked, **“Do you swear or affirm that the testimony that you will give before the Marble Cliff Council in this variance hearing will be the truth and the whole truth and nothing but the truth?”** Those standing responded **“Yes.”**

Mayor Studebaker recognized Robert Myers, 1231 Cambridge Blvd. Mr. Myers explained their request to install a 6 foot high wooden fence approximately 66 feet along the south property line noting that a section of the proposed fence will be located in the side yard. The new fence will match an existing fence along the rear of the property.

Mr. Myers explained the new fence will screen their property from the porch on the Bell's property which allows for a view directly into the Myers' dining room.

Ms. McKay reported no comments in favor of or opposition to the Myers' request have been received at Village Hall.

Ria Bell, 1221 Cambridge Blvd., asked that the proposed fence hide the trash cans which are located along their common property line. Mr. Myers stated the trash cans would be hidden by the new fence.

**Mr. Cincione moved approval of the variance request submitted by Robert and Sarah Myers to allow a 6 foot high wooden fence along approximately 66 feet of the south side lot line on their property at 1231 Cambridge Blvd. in the Village of Marble Cliff. Mr. Kukura seconded. The motion passed unanimously.**

**Mr. Cincione moved approval of the request submitted by Robert and Sarah Myers for a side yard variance to allow installation of a 6 foot high wooden fence on the south side lot line between the rear of the existing structure at 1231 Cambridge**

**Blvd. and the rear of the structure at 1221 Cambridge Blvd. in the Village of Marble Cliff. Mr. Kukura seconded. The motion passed unanimously.**

Mayor Studebaker introduced Annda Kloph, representing Pamela Deuser and her request for a temporary live / work use variance for the property at 1943 W. Fifth Ave.

Mr. Ashrawi asked Ms. Kloph **“Do you swear or affirm that the testimony that you will give before the Marble Cliff Council in this variance hearing will be the truth and the whole truth and nothing but the truth?”** She responded **“Yes.”**

Ms. McKay presented staff recommendations regarding the variance request. Those recommendations are that the approval be for approximately 6 months and any extension require a return to Council for extension and that the “live / work” use permit not be transferrable or applicable to any other future resident or tenant.

**Mr. Cincione moved approval of the variance request submitted by Pamela Deuser to allow temporary “live / work” use of the property located at 1943 W. Fifth Ave. in the Village of Marble Cliff with the following conditions:**

- 1. The “live / work” use of the property at 1943 W. Fifth Ave. would extend from August 16, 2016 to December 31, 2016. Any extension beyond December 31, 2016 would require additional approval by Council.**
- 2. The “live / work” use permit is not transferrable nor may it be applied to any future owner of 1943 W. Fifth Ave.**

**Mr. Voelker seconded. The motion passed unanimously.**

**Mr. Voelker moved to adjourn into executive session to consider the Sale of Property pursuant to Ohio Revised Code 121.22(G)(2). Ms. Troiano seconded. Roll Call: Mr. Cincione, yes; Mr. Kukura, yes; Ms. Siefkas, yes; Ms. Taylor, yes; Ms. Troiano, yes; Mr. Voelker, yes. The motion passed unanimously.**

#### EXECUTIVE SESSION

**Mr. Cincione moved Council adjourn from executive session and return to regular session. Mr. Voelker seconded. The motion passed unanimously.**

#### NEW BUSINESS

Mayor Studebaker introduced the first reading of O-2506-16, An Ordinance authorizing the Mayor to execute an agreement by and among the Village of Marble Cliff, Ohio and John Royer.

Mr. Voelker explained that he would recuse himself from any discussion or vote on Ordinance O-2506-16 citing a conflict of interest.

**Ms. Troiano moved the rules be suspended. Ms. Siefkas seconded. The motion passed unanimously. Ms. Troiano moved the adoption of O-2506-16. Ms. Taylor seconded. The motion passed 5 in favor and 0 opposed.**

Mayor Studebaker introduced the first reading of O-2507-16, An Ordinance authorizing the sale of Village Property located at 2215 Cardigan Avenue (Parcel # 143-0000175) to MGR Real Estate I, LLC ; authorizing the Mayor to execute a Real Estate Contract for Sale and Purchase of Real Property.

Ms. McKay reported all necessary documents have been drawn up by Mr. Ashrawi and sent to Don Rife, Jr. for review. She stated that Mr. Rife has not sent any comments and Ms. McKay related to Mr. Rife that Council would not take any action until Mr. Rife has an opportunity to comment.

No action was taken

#### INTERN REPORT

Mayor Studebaker introduced the final draft of the 5<sup>th</sup> Avenue Corridor Economic Development Plan prepared by Harrison Allen, the Village’s MORPC Summer Intern. Mayor Studebaker expressed his opinion that the plan is well researched and very professional in its extent and its content. Mayor Studebaker asked Mr. Allen to present the report.

Mr. Allen presented the items in the report which had been added or refined since the July Council meeting. Those items included recommendations for revised zoning for the B-1 Central Business District along the W. 5<sup>th</sup> Avenue corridor, examples of possible zoning “overlays,” and an analysis of a formula for calculating forgivable loans. He pointed out that his proposal specifies what uses could have residential in space above the first floor. Such a zoning code allows mixed use of retail, business and residential. He commented that his recommendation is only an example and Council would need to refine the recommendation before adoption.

Mr. Allen also commented that the zoning overlays presented include a high level of detail and noted that Council would want to examine and refine the detail prior to adoption of an overlay or overlays.

Council discussed the plan recommendation of forgivable loans to support improvement of handicapped accessibility to commercial buildings in the Village.

Mayor Studebaker suggested that the members of Council review the plan and bring items to the entire Council to move discussion and changes forward over the coming months and years.

Mayor Studebaker noted that Mr. Allen will be leaving the Village on August 19<sup>th</sup> at the end of his internship. He asked Council to bring any changes or suggestions for the plan as quickly as possible.

**Mr. Cincione moved acceptance and receipt of the 5<sup>th</sup> Avenue Corridor Economic Development Plan as an official document of the Village of Marble Cliff. Mr. Voelker seconded. The motion passed unanimously.**

Mayor Studebaker, staff and Council thanked Mr. Allen for his work in the Village and commended him for his hard work. Mayor Studebaker stated Mr. Allen has been an asset to the Village and his work has been energizing for everyone who has worked with him. Mr. Allen expressed that the experience with the Village has been great and he has learned a great deal that will assist him as he moves forward educationally and professionally.

#### CONSENT AGENDA

- 1) Receive - Mayor’s Court Report, July, 2016
- 2) Receive - Fire Dept. Report, July, 2016
- 3) Receive - Building permits issued in July, 2016
- 4) Approval - Minutes of the regular, scheduled meeting of July 20, 2016
- 5) Approval - Financial Statements for July, 2016
- 6) Receive - Village Income Tax Report – \$153,977.11

**Mr. Voelker moved approval of the Consent Agenda. Mr. Cincione seconded. The Consent Agenda was approved unanimously.**

#### MAYOR'S REPORT

Mayor Studebaker reported he and Ms. McKay attended a MORPC Grant Seminar. He reported that the seminar included good information that may be helpful to the Village in the future.

Mayor Studebaker introduced a request from a resident on Village Court for the Village to install additional signage in an effort to reduce speeding around Village Court. Mr. Cincione commented that there is a sign indicating “Children at Play,” but commented that signs seem to be marginally effective. Mr. Cincione suggested that the Village investigate alternate traffic calming approaches. One concern that has been raised is that children playing in the street might be at risk from speeding drivers.

Council discussed the legislative requirements of changing a speed limit. Council also discussed an additional “Children at Play” sign, but concurred that they would rather see alternate ideas for traffic calming from staff.

Mayor Studebaker reported that the Grandview Heights Marching Band Music in the Park Concert was cancelled due to inclement weather. Mayor Studebaker asked

Council to consider moving ahead with the payment of \$350 as authorized by Ordinance O-2502-16.

**Ms. Troiano moved to amend Ordinance O-2502-16 to allow payment of \$350 to the Grandview Heights Marching Band as a charitable contribution to support the ongoing efforts to purchase new band uniforms. Mr. Cincione seconded. The motion passed unanimously.**

#### ENGINEER'S REPORT

Mayor Studebaker introduced the first reading of O-2508-16, An Ordinance accepting a Proposal from Legg & Davis for the 2016 Village Sidewalk Repair Project and Authorizing an agreement with B-Level Concrete lifting and declaring an emergency.

Mr. Ford presented his recommendation that the Village enter an agreement with Legg & Davis for the 2016 sidewalk project and with B-Level for concrete lifting and grinding. Ms. McKay confirmed that several companies were asked to provide a proposal, however no other companies submitted proposals.

Mr. Kukura asked that a sidewalk be installed at the northwest corner of Cambridge Blvd. and W. Third Ave. in addition to the ADA ramp currently at the corner. Staff said that the work will be added to the project.

**Mr. Voelker moved the rules be suspended. Ms. Troiano seconded. The motion passed unanimously. Mr. Kukura moved the adoption of O-2508-16. Mr. Cincione seconded. The motion passed unanimously. Mr. Voelker moved the ordinance be passed as emergency legislation. Ms. Troiano seconded. Roll Call: Mr. Cincione, yes; Mr. Kukura, yes; Ms. Siefkas, yes; Ms. Taylor, yes; Ms. Troiano, yes; Mr. Voelker, yes. The motion passed unanimously.**

Mayor Studebaker introduced the first reading of R-2509-16, A Resolution, and declaring the necessity to repair certain sidewalks, gutters and driveway aprons in the village of Marble Cliff and confirming the costs of such repairs to be charged to the owners of properties located at 1231 Cambridge Blvd., 1453 Cambridge Blvd., 2028 W. Third Ave., and 1885 W. Fifth Ave. in accordance with Section 92.03 of The Codified Ordinances and the Sidewalk Policy of the Village of Marble Cliff adopted by Village Council on October 15, 2012, and declaring an emergency.

**Ms. Troiano moved the rules be suspended. Ms. Siefkas seconded. The motion passed unanimously. Ms. Troiano moved the adoption of R-2509-16. Ms. Siefkas seconded. The motion passed unanimously. Ms. Troiano moved the ordinance be passed as emergency legislation. Ms. Siefkas seconded. Roll Call: Mr. Cincione, yes; Mr. Kukura, yes; Ms. Siefkas, yes; Ms. Taylor, yes; Ms. Troiano, yes; Mr. Voelker, yes. The motion passed unanimously.**

Mr. Ford reported the proposals received for the 2016 Crack and Slurry Seal were in excess of \$50,000 and therefore the work cannot go forward without a formal bid process. He stated he and Ms. McKay will continue to investigate options for a 2016 pavement project.

Mayor Studebaker introduced the first reading of O-2510-16, An Ordinance accepting a change order submitted by Precise Boring of Ohio for the Marble Cliff Street Light Project- Phase 2 and authorizing final payment.

Mr. Ford explained that Precise Boring of Ohio has submitted final completion documents as well as a final draw request. Ms. McKay noted the final change order reduced the total cost by approximately \$11,000.

**Ms. Troiano moved the rules be suspended. Mr. Kukura seconded. The motion passed unanimously. Ms. Troiano moved the adoption of O-2510-16. Ms. Taylor seconded. The motion passed unanimously.**

Mr. Ford left the meeting at this point.

#### SOLICITOR'S REPORT

Mr. Ashrawi presented a memo regarding Community Investment Corporations. The memo outlines the process for establishing a CIC as well as the benefits and challenges of creating a CIC. Mr. Ashrawi also reported that a community can participate

in another community's CIC through mutual agreement. Council discussed the information provided and the various options.

Mayor Studebaker suggested Council review the memo in detail for future consideration of the CIC option for the Village.

#### ADMINISTRATIVE ASSISTANT'S REPORT

Mr. Johannes reported the fence Eagle Scout project will be completed in September. Mayor Studebaker reported two other Eagle Scouts are considering projects in the Village. More information will be provided at the September Council meeting.

Mr. Johannes suggested that the Nov./Dec. issue of the Tri-Village include cookie recipes for the holidays. Council concurred with the idea and some members agreed to provide recipes.

Mr. Johannes reported that tree lawn restoration following street light installation will begin when the weather cools.

Mr. Johannes reported Environmental Management Inc. has agreed to provide leaf pick-up at the same price as last year -\$135.00 per hour. An agreement will be signed for those services.

Mr. Johannes explained that Grandview Heights has begun to expand building permit requirements in keeping with Ohio Building Code requirements. The Village website will be updated to reflect the changes and Grandview will begin to issue the new necessary permits at the Village's direction.

#### APPROVAL OF BILLS

**Ms. Troiano moved approval of the August 2016 bills totaling \$171,345.27.**

**Mr. Kukura seconded. The motion passed unanimously.**

**Mr. Kukura moved approval of the Amended July 2016 bills totaling \$76,924.81.**

**Ms. Troiano seconded. The motion passed unanimously.**

#### FISCAL OFFICER'S REPORT

Ms. McKay reported AEP has reimbursed the Village for the damage they did to the sanitary sewer off of Arlington Ave. next to the OLV Manse.

#### COUNCIL MEMBER REPORTS

Ms. Troiano reported that the Grandview Pool has closed and the "shovel turning" event will take place on August 16, 2016.

Ms. Troiano had no report from Start Talking Grandview.

#### OLD BUSINESS

Mayor Studebaker introduced the third reading of O-2498-16, An Ordinance rezoning the property located at 2215 Cardigan Avenue from P-1 Public Area to B-2 Highway and General business for Parcel Number 143-0017016 consisting of a total of 1.02± Acres in the Village of Marble Cliff

**Ms. Troiano moved the adoption of O-2498-16. Ms. Taylor seconded. The motion passed unanimously.**

Mayor Studebaker introduced the third reading of O-2499-16, An Ordinance amending the Village of Marble Cliff Code of Ordinances Section 154.032 Business Districts B-2 Highway and General Business District – Conditional Use Language to include "Collision Repair and Associated Automotive Services".

**Ms. Troiano moved the adoption of O-2499-16. Mr. Voelker seconded. The motion passed unanimously.**

Mayor Studebaker introduced the second reading of R-2504-16, A Resolution authorizing the Fiscal Officer to execute the Application for Financial Assistance through

the Franklin County Engineer for use of Permissive Tax Funds held by the Franklin Engineer on behalf of the Village of Marble Cliff and for a Grant from the Franklin County Engineer for Permissive Tax Funds held by the Franklin County Engineer on behalf of Franklin County Communities.

**Ms. Troiano moved the rules be suspended. Mr. Voelker seconded. The motion passed unanimously. Ms. Troiano moved the adoption of R-2504-16. Ms. Siefkas seconded. The motion passed unanimously.**

**NEW BUSINESS**

Mr. Kukura discussed the central Ohio network of bike paths and the connectivity of the Marble Cliff path to the rest of the community. He suggested the Village might want to reconsider the bike path striping on W. Third Ave. and Arlington Ave. to match Cambridge Blvd.

**ADJOURN**

**Ms. Troiano moved the meeting be adjourned. Mr. Kukura seconded. The motion passed unanimously. Mayor Studebaker adjourned the meeting at 9:20 PM.**

Approved by:

Submitted by:

Matthew P. Cincione  
Council President Pro Tem

Cynthia A. McKay  
Fiscal Officer